

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:16-CV-086-RLV-DCK**

**VIVIEN WAYNE BROOKS,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,**

**Defendant.**

**ORDER**

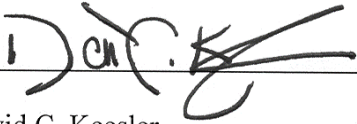
**THIS MATTER IS BEFORE THE COURT** on the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. §2412(d)(1)(A)” (Document No. 16) filed September 15, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B). After careful consideration of the motion and the record, and noting consent of Defendant’s counsel, the undersigned will grant the motion, and determines that Plaintiff should be awarded an attorney’s fee under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$4,800.00.

**IT IS, THEREFORE, ORDERED** that the “Consent Motion For Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. §2412(d)(1)(A)” (Document No. 16) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$4,800.00, and that pursuant to Comm’r of Soc. Sec. v. Ratliff, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, those funds will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not

owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**SO ORDERED.**

Signed: September 18, 2017

A handwritten signature in black ink, appearing to read "D.C. Keesler", written over a horizontal line.

David C. Keesler  
United States Magistrate Judge

